

**TRANSMITTAL OF APPEAL BRIEF**Docket No.  
O2911.0007/P043-D

In re Application of: John R. Plate, et al.

Application No.  
09/335,377Filing Date  
June 17, 1999Examiner  
Eric D. CulbrethGroup Art Unit  
3616

Invention: FORKLIFT STABILIZING APPARATUS

**TO THE COMMISSIONER OF PATENTS:**Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed: May 28, 2002The fee for filing this Appeal Brief is 320.00☒ Large Entity ☐ Small Entity☐ A check in the amount of \_\_\_\_\_ is enclosed.☐ Charge the amount of the fee to Deposit Account No. \_\_\_\_\_  
This sheet is submitted in duplicate.☒ Payment by credit card. Form PTO-2038 is attached.☒ The Commissioner is hereby authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 04-1073  
This sheet is submitted in duplicate.**RECEIVED**

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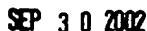
**GROUP 3600**Dated: September 30, 2002Mark J. Thronson  
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**Patent fees are subject to annual revision.**

☐ Applicant claims small entity status. See 37 CFR 1.27

|                                |             |               |
|--------------------------------|-------------|---------------|
| <b>TOTAL AMOUNT OF PAYMENT</b> | <b>(\$)</b> | <b>720.00</b> |
|--------------------------------|-------------|---------------|

|                             |                      |
|-----------------------------|----------------------|
| <b>Application Number</b>   | 09/335,377           |
| <b>Filing Date</b>          | June 17, 1999        |
| <b>First Named Inventor</b> | John R. Plate et al. |
| <b>Examiner Name</b>        | Eric D. Culbreth     |
| <b>Group Art Unit</b>       | 3616                 |
| <b>Attorney Docket No.</b>  | O2911.0007/P043-     |

**FEE CALCULATION (continued)**

☒ Deposit Account

04-1073

**Dickstein Shapiro Morin &  
Oshinsky LLP**

**The Commissioner is hereby authorized to:** (check all that apply)

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 101          | 740      | 201          | 370      | Utility filing fee     |          |
| 106          | 330      | 206          | 165      | Design filing fee      |          |
| 107          | 510      | 207          | 255      | Plant filing fee       |          |
| 108          | 740      | 208          | 370      | Reissue filing fee     |          |
| 114          | 160      | 214          | 80       | Provisional filing fee |          |

|                     |             |             |
|---------------------|-------------|-------------|
| <b>SUBTOTAL (1)</b> | <b>(\$)</b> | <b>0.00</b> |
|---------------------|-------------|-------------|

|                       |                      |      | Extra<br>Claims      |   | Fee from<br>below    |   | Fee Paid             |
|-----------------------|----------------------|------|----------------------|---|----------------------|---|----------------------|
| Total Claims          | <input type="text"/> | ** = | <input type="text"/> | x | <input type="text"/> | = | <input type="text"/> |
| Independent<br>Claims | <input type="text"/> | ** = | <input type="text"/> | x | <input type="text"/> | = | <input type="text"/> |
| Multiple Dependent    |                      |      |                      |   | <input type="text"/> | = | <input type="text"/> |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                     |
| 102          | 84       | 202          | 42       | Independent claims in excess of 3                          |
| 104          | 280      | 204          | 140      | Multiple dependent claim, if not paid                      |
| 109          | 84       | 209          | 42       | ** Reissue independent claims over original patent         |
| 110          | 18       | 210          | 9        | ** Reissue claims in excess of 20 and over original patent |

|                     |             |             |
|---------------------|-------------|-------------|
| <b>SUBTOTAL (2)</b> | <b>(\$)</b> | <b>0.00</b> |
|---------------------|-------------|-------------|

**\*\*or number previously paid, if greater. For Reissues, see above**

| Large Entity  | Small Entity   |
|---|--|
| <p>1. <b>Revenue Recognition</b></p> <p>Large entities use the <b>percentage of completion method</b> for long-term contracts, recognizing revenue as work progresses. Small entities often use the <b>cost of sales method</b>, recognizing revenue only when the contract is completed.</p> | <p>1. <b>Revenue Recognition</b></p> <p>Small entities typically use the <b>cost of sales method</b> for long-term contracts, recognizing revenue only when the contract is completed.</p>             |
| <p>2. <b>Inventory Valuation</b></p> <p>Large entities use the <b>FIFO (First In, First Out)</b> method for inventory valuation. Small entities may use the <b>LIFO (Last In, First Out)</b> method, which can provide a tax advantage in periods of rising prices.</p>                       | <p>2. <b>Inventory Valuation</b></p> <p>Small entities may use the <b>LIFO (Last In, First Out)</b> method for inventory valuation, which can provide a tax advantage in periods of rising prices.</p> |
| <p>3. <b>Depreciation</b></p> <p>Large entities use the <b>MACRS (Modified Accelerated Cost Recovery System)</b> for depreciation. Small entities may use the <b>straight-line method</b> for depreciation.</p>   | <p>3. <b>Depreciation</b></p> <p>Small entities may use the <b>straight-line method</b> for depreciation.</p>  |
| <p>4. <b>Lease Accounting</b></p> <p>Large entities use the <b>ASC 842 (Leases)</b> for lease accounting. Small entities may use the <b>ASC 840 (Leases)</b> for lease accounting.</p>  | <p>4. <b>Lease Accounting</b></p> <p>Small entities may use the <b>ASC 840 (Leases)</b> for lease accounting.</p>  |
| <p>5. <b>Goodwill Impairment</b></p> <p>Large entities use the <b>ASC 350 (Intangible Assets)</b> for goodwill impairment testing. Small entities may use the <b>ASC 350 (Intangible Assets)</b> for goodwill impairment testing.</p>   | <p>5. <b>Goodwill Impairment</b></p> <p>Small entities may use the <b>ASC 350 (Intangible Assets)</b> for goodwill impairment testing.</p>   |

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 105      | 130      | 205      | 65       | Surcharge – late filing fee or oath  |          |
| 127      | 50       | 227      | 25       | Surcharge – late provisional filing fee or cover sheet.                    |          |
| 139      | 130      | 139      | 130      | Non-English specification  |          |
| 147      | 2,520    | 147      | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 112      | 920*     | 112      | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113      | 1,840*   | 113      | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115      | 110      | 215      | 55       | Extension for reply within first month                                     |          |
| 116      | 400      | 216      | 200      | Extension for reply within second month                                    | 400.00   |
| 117      | 920      | 217      | 460      | Extension for reply within third month                                     |          |
| 118      | 1,440    | 218      | 720      | Extension for reply within fourth month                                    |          |
| 128      | 1,960    | 228      | 980      | Extension for reply within fifth month                                     |          |
| 119      | 320      | 219      | 160      | Notice of Appeal   |          |
| 120      | 320      | 220      | 160      | Filing a brief in support of an appeal                                     | 320.00   |
| 121      | 280      | 221      | 140      | Request for oral hearing   |          |
| 138      | 1,510    | 138      | 1,510    | Petition to institute a public use proceeding                              |          |
| 140      | 110      | 240      | 55       | Petition to revive – unavoidable   |          |
| 141      | 1,280    | 241      | 640      | Petition to revive - unintentional   |          |
| 142      | 1,280    | 242      | 640      | Utility issue fee (or reissue)   |          |
| 143      | 460      | 243      | 230      | Design issue fee   |          |
| 144      | 620      | 244      | 310      | Plant issue fee  |          |
| 122      | 130      | 122      | 130      | Petitions to the Commissioner  |          |
| 123      | 50       | 123      | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 126      | 180      | 126      | 180      | Submission of Information Disclosure Stmt                                  |          |
| 581      | 40       | 581      | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146      | 740      | 246      | 370      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149      | 740      | 249      | 370      | For each additional invention to be examined (37CFR 1.129(b))              |          |
| 179      | 740      | 279      | 370      | Request for Continued Examination (RCE)                                    |          |
| 169      | 900      | 169      | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

|                     |             |               |
|---------------------|-------------|---------------|
| <b>SUBTOTAL (3)</b> | <b>(\$)</b> | <b>720.00</b> |
|---------------------|-------------|---------------|

|                   |                  |
|-------------------|------------------|
| Name (Print/Type) | Mark J. Thronson |
|-------------------|------------------|

Registration No.  
(Attorney/Agent)

33.082

|           |                |
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|-----------|----------------|

**Signature**

Date \_\_\_\_\_

September 30, 2002

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